

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.2240 OF 2004

V.N.S.Sangeetha ...Petitioner

Versus

Mega Rubber Technologies Pvt.Ltd.

& Anr. ...Respondents

.....

Mr.Kafil Khan for Petitioner.

Mr.S.R.Shinde, A.P.P. for Respondent No.2.

.....

CORAM: A.M.KHANWILKAR, J.

DECEMBER 21, 2004.

P.C.

1. Heard Mr.Khan for Petitioner and Mr.Shinde, A.P.P. for Respondent No.2. Respondent No.1 has been duly served, as is stated in the affidavit of service. None appears for Respondent No.1.

2. The short question involved is: whether the complaint as filed by the Respondent No.1 makes

out any offence, so far as Applicant before this Court i.e. accused No.3 is concerned.

3. The only allegation in the complaint, as can be discerned from Paragraph No.2 is that the Applicant was Director and in-charge and responsible for the day-to-day affairs and business of accused No.1. This is not enough. It is nobody's case that the Applicant is signatory to the cheque. I had occasion to decide this aspect in **Criminal Writ Petition No.2241 of 2004 - Madanlal Taparia & Anr. vs. The Bank of Rajasthan Ltd. & Anr. decided on 14th December 2004.** As no case is made out in the complaint, so as to indicate complicity of the Applicant/accused No.3 as is required by Section 141 of the Negotiable Instruments Act, application is allowed in terms of prayer clause (a), insofar as Applicant/accused No.3 is concerned. Ordered accordingly.

A.M.KHANWILKAR, J.